



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

Board of Adjustment General/Parking Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

For Office Use Only

Case # _____	ROW # _____	Tax # _____
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Section 1: Applicant Statement

Street Address: _____

Subdivision Legal Description:

Lot(s): _____ Block(s): _____

Outlot: _____ Division: _____

Zoning District: _____

I/We _____ on behalf of myself/ourselves as
authorized agent for _____ affirm that on
Month _____, Day _____, Year _____, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriate option below):

Erect Attach Complete Remodel Maintain Other: _____

Type of Structure: _____

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

Hardship

a) The hardship for which the variance is requested is unique to the property in that:

b) The hardship is not general to the area in which the property is located because:

Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature:  Date: 04/11/2017

Applicant Name (typed or printed): Vincent G. Huebinger, Vincent Gerard & Associates, Inc.

Applicant Mailing Address: 1715 S. Capital of Texas Highway #207

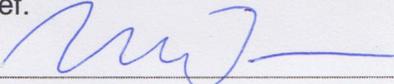
City: Austin State: TX Zip: 78746

Phone (will be public information): (512) 328-2693

Email (optional – will be public information): kaylabryson@att.net & vinceh@flash.net

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature:  Date: 04/11/2017

Owner Name (typed or printed): Michael Osborne, Green Osa, LLC

Owner Mailing Address: 708 E. 51st. Street

City: Austin State: TX Zip: 78751

Phone (will be public information): (512) 328-2693

Email (optional – will be public information): kaylabryson@att.net & vinceh@flash.net

Section 5: Agent Information

Agent Name: Vincent Gerard & Associates, Inc.

Agent Mailing Address: 1715 S. Capital of Texas Highway, #207

City: Austin State: TX Zip: 78746

Phone (will be public information): (512) 328-2693

Email (optional – will be public information): kaylabryson@att.net & vinceh@flash.net

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

Please see attached letter.



VINCENT GERARD & ASSOCIATES, INC.

April 11, 2017

Board of Adjustment
City of Austin
505 Barton Springs Road
Austin, Texas 78704

RE: Variance Requests to Accompany Conditional Use Site Plan Case SPC-2017-0011A for a Change of Use from Residential to Private Primary Education Facility and Commercial Daycare

Dear Board of Directors,

On behalf of our client, Green Osa, LLC, we have submitted a Conditional Use Site Plan for a Change of Use from residential to a Private Primary Education Facility and Commercial Daycare titled Little Tiger Chinese Immersion School/Chinese with Meggie. The location of the property is 5111 Eilers Avenue, Austin, Texas 78751. It is located within the North Loop Neighborhood Plan and is zoned SF-3-NP.

5111 Eilers Avenue is on the edge of a residential neighborhood adjacent to Ridgetop Baptist Church to the south. Per Section 25-2-832(1) of the Land Development Code (LDC), a private primary education facility must be located on a street that has a paved width of at least 40 feet from the site to where it connects with another street that has a paved width of at least 40 feet. We are requesting a variance to allow a Private Primary Educational Facility on Eilers Avenue which has a 30-foot pavement width. Eilers Avenue connects to East 51st Street, which is also approximately 30 feet in width. There is also a 20-foot public alley access, which will be improved at the rear of the subject property and made available for student drop off away from any busy public roadway.

Per Section 25-2-1067(H) of the LDC, the width and setback for the parking area or driveway must be 5 feet for a property with a site width less than 52.99 feet. The subject property is 50 feet in width and has an existing driveway adjacent to the southern property line abutting the church property. We are proposing tandem staff parking on this driveway and are requesting a variance to the required 5-foot setback to allow a 0-foot setback for minimal disturbance to the front yard. There will only be a maximum of two employees located at this facility.

Per Section 25-2-1062 - Height limitations and setbacks for small sites, we are requesting to reconstruct the existing garage in the back of the lot into a small classroom, and we respectfully request to waive the 15' compatibility requirement. This location sits on the footprint of the existing garage and is adjacent to the east church classrooms. The compatibility standards apply for the zoning on the church (SF-3) but do not consider the use. Religious assembly includes classroom education, identical to our proposed use. It appears counter to the intent for compatibility setbacks adjacent to a similar use. The existing garage is 5' from the property line and 10' from the church classrooms. We believe that this causes our applicant a hardship if applied to the garage/future classroom.

Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because our proposed use for a private primary educational facility/commercial daycare will not house more than 2 staff members and 20 students (ages 6-8), which is a significantly less intensive use than the existing uses of the neighboring church. There is also an alley behind the property (to the east) that will help alleviate traffic flow on Eilers Avenue, as staff parking is proposed off of Eilers Avenue, and student drop-off is proposed at the alleyway for safety purposes. The proposed tandem staff parking at the front of the property is on an existing driveway that curves so that it directly abuts the southern property line in order to leave space for a handicapped ramp into the structure. Reconstruction of a new driveway would deter from the neighborhood feel, cause additional construction in the front yard, and will be counterproductive for a small facility. Access is also planned for the 20' improved alleyway.

Hardship

The hardship for which the variances are requested is unique to the property in that its proximity to Ridgetop Baptist Church may be viewed as an extension to that existing use. Currently, religious assembly, education, group meetings and classes are held at the church on a daily basis. Our client currently leases classroom space within the church. This will be a separate entity for private primary education adjacent to the church. The subject property is compatible to the neighboring church's existing uses. The hardship for the 5-foot parking setback requirement is unique in that directly adjacent to our parking is off-street parking for church use. The driveway curves so that the 5-foot setback is met at the property line along Eilers Avenue, but becomes a 0-foot setback at the eastern end of the driveway/parking area.

The hardship is not general to the area in which the property is located due to the fact that it has two existing points of ingress/egress, alleviating any potential concerns for access for Emergency/Fire/EMS. Further, private primary enrollment is restricted to young children, at approximately 20 students, in a pick-up/drop-off situation. Regarding the parking, the 5-foot buffer adjacent to existing parking at the church, in our opinion, would not meet the intent of the code for screening. The church's uses are more intense than our client's proposed uses, and a parking lot is directly adjacent to our proposed tandem staff parking.

Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because the neighborhood contains mixed uses, other private primary and secondary schools, which encouraged our proposed change of use as acceptable from the surrounding community. There are a couple other churches in the vicinity, including to Evergreen Church of Austin and Trinity Chapel. Two blocks southeast of the subject property is Banana Bay Trading Company, and just south of that retail space is Ridgetop Elementary School. It should be noted that abutting streets to the Ridgetop Elementary School are also 30 feet in pavement width, thereby setting precedent of similar uses on existing roadways.

We are happy to answer any questions or concerns with our variance requests. Please feel free to contact us at any time.

Respectfully,



Vincent G. Huebinger

ZONING MAP



CONDITIONAL USE SITE PLAN

SITE INFORMATION

JURISDICTION: CITY OF AUSTIN, TEXAS 78751
 TRAVIS COUNTY
 USE: COMMERCIAL DAYCARE / PRIVATE PRIMARY EDUCATION FACILITY

OWNER

GREEN OSA LLC
 MICHAEL OSBORNE
 708 EAST 51ST, AUSTIN, TEXAS 78751

*** (CITY GARAGE CURBSIDE PICK-UP HAS BEEN REQUESTED)**

PROJECT TYPE

COMMERCIAL DAYCARE / PRIVATE PRIMARY EDUCATION FACILITY

DATE

FEBRUARY 23, 2017
 SEPTEMBER 19, 2016

SITE ADDRESS

5111 EILERS AVENUE
 AUSTIN, TX. 78751

LEGAL DESCRIPTION

LOT 10 & 11, BLOCK 11 THE HIGHLANDS
 VOLUME 9, PAGE 55, PLAT RECORDS
 TRAVIS COUNTY, TEXAS

SITE NAME:

LITTLE TIGER CHINESE IMMERSION SCHOOL / CHINESE WITH MEGGIE

CONSULTANTS

VINCENT GERARD & ASSOCIATES
 1715 S. CAPITAL OF TEXAS HWY
 SUITE 207
 AUSTIN, TEXAS 78746
 PHONE: (512) 328-2693

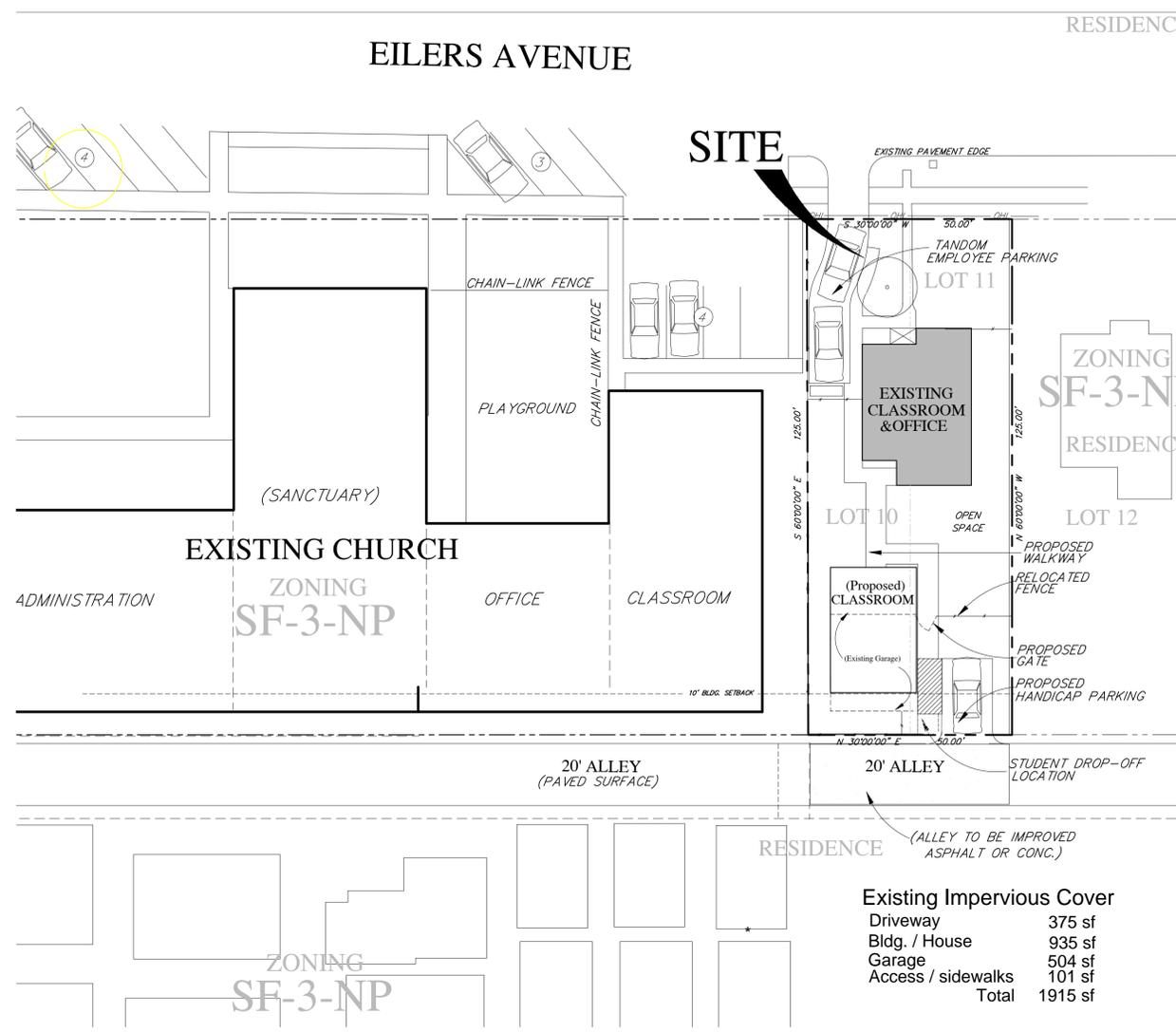
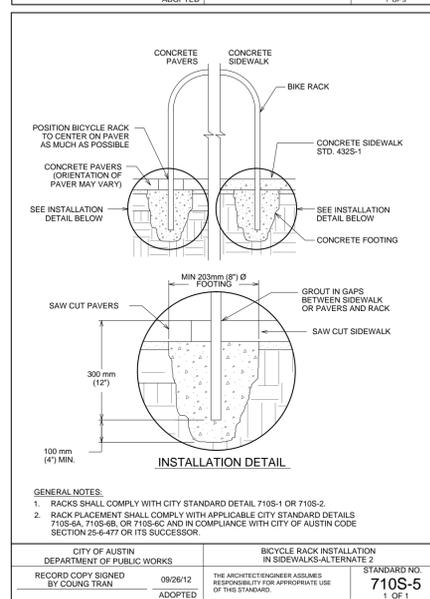
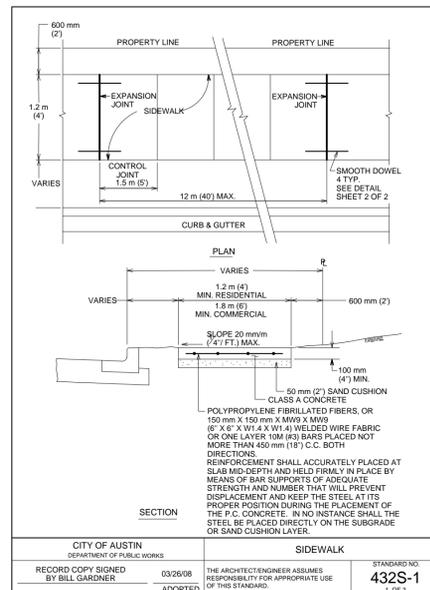
VINCE HUEBINGER

**(NOT FOR CONSTRUCTION)
 ZONING SITE PLAN**

AERIAL IMAGERY



NOT TO SCALE



Proposed Impervious Cover

Driveway (realignment and reconstruction)	0 sf
Bldg. / House	0 sf
NEW Classroom (new construction)	147 sf
Access / sidewalks (new construction)	523 sf
Access / parking (new construction)	180 sf
Total	850 sf

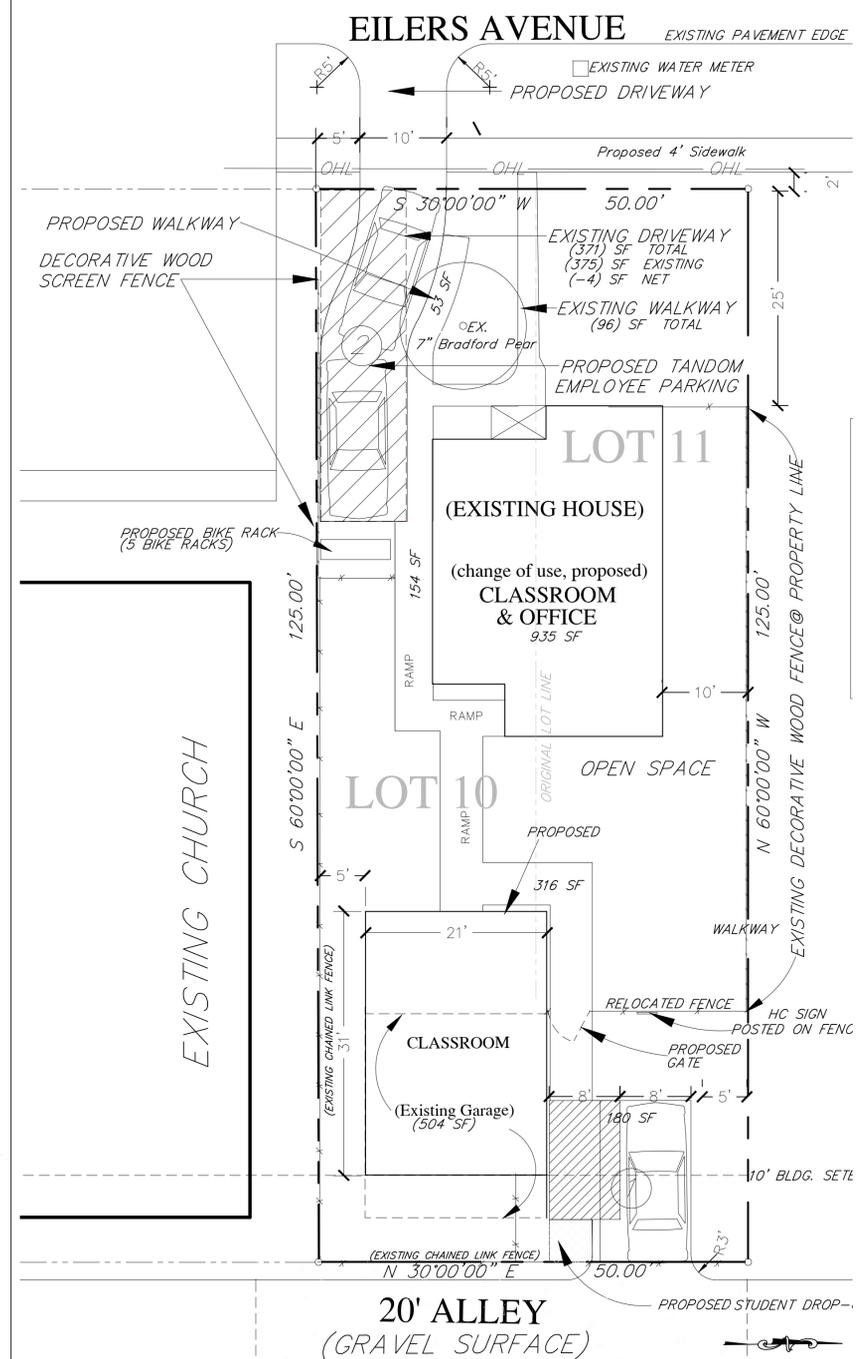
PARKING SUMMARY

LITTLE TIGER CHINESE SCHOOL	REQUIRED	PROVIDED
	3 spaces	3 spaces
Total Site Area	6200 sf	
Existing Impervious Cover Total	1915 sf	
ADDED Impervious Cover Total	850 sf	
Proposed Impervious Cover Total	2765 sf (42.5%)	

Building Height (35')

* Classroom:(proposed classroom (651 sf) - existing garage (504 sf) = 147 sf

SCALE 1" = 30'-0"



SCALE 1" = 10'-0"

COMPATIBILITY NOTES:

- Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent property.
- A highly reflective surface, including reflective glass and a reflective metal roof with a pitch that exceeds a run of seven to a rise of 12, may not be used, unless the reflective surface is a solar panel or copper or painted metal roof.
- The noise level of mechanical equipment may not exceed 70 db at the property line.
- A permanently placed refuse receptacle, including a dumpster, may not be located 20 feet or less from property:
 - (A) in an SF-5 or more restrictive zoning district; or
 - (B) on which a use permitted in an SF-5 or more restrictive zoning district is located.

**CONDITIONAL USE LAND USE SITE PLAN
 LITTLE TIGER CHINESE IMMERSION SCHOOL
 CHINESE WITH MEGGIE
 5111 EILERS AVENUE
 AUSTIN, TEXAS 78751**



VINCENT GERARD & ASSOCIATES
 LAND PLANNING & ZONING CONSULTANTS
 1715 CAPITAL OF TEXAS HWY SOUTH, STE. 207
 AUSTIN, TEXAS 78746
 (512)328-2693 - * vinceh@flash.net

Aerial Map

5111 Eilers Avenue

Legend

-  5111 Eilers Ave
-  Ridgetop Baptist Church

Subject Property

5111 Eilers Ave

Church Property



5111 Eilers Avenue

Proposed Change of Use from Residential to Commercial Daycare/Private Primary Educational Facility



5111 Eilers Avenue (facing south)



5111 Eilers Avenue (facing north)



Existing Garage to be Converted into Classroom



Existing Ornamental Fence Along Northern Property Line



Existing Ornamental Fence Along Northern Property Line



Alley Behind 5111 Eilers Avenue

